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Sixth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. By its resolution 1332 (2000) of 14 December 2000, the Security Council decided to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 15 June 2001, and endorsed the Secretary-General's proposal to deploy additional United Nations military observers to monitor and verify the implementation of the ceasefire and disengagement plans adopted by the parties to the Lusaka Ceasefire Agreement (S/1999/815, annex).

2. In the same resolution, the Security Council invited the Secretary-General to consult with the Organization of African Unity (OAU) and the parties concerned on the possibility of organizing in February 2001 a follow-up meeting between the signatories of the Lusaka Agreement and members of the Council. In addition, the Council requested the Secretary-General to:

(a) Present a review of the implementation of the current mandate of MONUC, including elements for an updated concept of operations;

(b) Submit proposals on ways to address the situation in the eastern provinces of the Democratic Republic of the Congo;

(c) Submit proposals for a mechanism to follow up on the withdrawal of foreign forces, the disarmament and demobilization of armed groups, the security of the borders of the Democratic Republic of the Congo with Rwanda, Uganda and Burundi, and related issues.

3. The present report is submitted in accordance with these requests and reflects developments since the Secretary-General's fifth report on MONUC of 6 December 2000 (S/2000/1156).

II. Political developments

4. President Laurent-Désiré Kabila was shot and fatally injured by a member of the presidential bodyguard in Kinshasa on 16 January. I condemn assassination and the use of force as a means of settling political differences. It is gratifying that the other parties concerned have refrained from taking advantage of the situation.

5. On 17 January, Major General Joseph Kabila was entrusted with the powers and responsibilities of Head of State and Commander-in-Chief of the Forces armées congolaises (FAC) by a joint meeting of ministers and senior military officers. After the State funeral of President Laurent-Désiré Kabila, members of the Congolese transitional parliament approved unanimously the Government's nomination of Major General Joseph Kabila as President of the Democratic Republic of the Congo. However, both the rebel groups and some elements of the Congolese political class have rejected the emergence of Major General Kabila as Head of State.

6. On 21 January, the Heads of State of Angola, Namibia and Zimbabwe issued a communiqué in which they undertook to maintain their respective military forces in the Democratic Republic of the Congo and reinforce the security of the population, the Government and foreign citizens, including personnel

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of the United Nations and non-governmental organizations. The leaders appealed to all parties to the Lusaka Agreement to refrain from any offensive military movement; encouraged all parties to search for a political solution to the conflict, expressing their conviction that dialogue and consultation were the paths to follow; and called upon the United Nations to deploy additional military observers to the Democratic Republic of the Congo.

7. President Joseph Kabila made positive overtures to the international community by receiving, prior to his inauguration on 26 January, members of the diplomatic corps in Kinshasa, including the ambassadors of Belgium, and the 25 African countries and the permanent members of the Security Council. In two meetings with my Special Representative, Mr. Kamel Morjane, the new President stated that the Government of the Democratic Republic of the Congo wished to extend its cooperation to the United Nations and counted upon MONUC to continue fulfilling its mandate. The President also attached great importance to the implementation of Council resolutions, particularly those relating to the process of disengagement, the withdrawal of foreign forces and the inter-Congolese dialogue. Mr. Morjane reiterated on my behalf to the President the full commitment of the United Nations to assisting the Democratic Republic of the Congo in restoring peace and sought his support in creating the conditions necessary for the deployment of additional United Nations military observers in the Democratic Republic of the Congo.

8. On 26 January, in his first address to the Congolese people, President Joseph Kabila outlined his vision for achieving peace in his country and the region. Calling for the immediate withdrawal of the armies of Rwanda, Uganda and Burundi from Congolese territory, the President advocated a policy of dialogue and reconciliation with neighbouring States. The President committed himself to working, in conjunction with his country's allies, to relaunch the Lusaka Agreement and indicated that he would seek national reconciliation by means of political dialogue. In this regard, he expressed gratitude to OAU for its involvement in the search for peace in his country, and called for its further engagement in the process of co-facilitation of the inter-Congolese dialogue. The President envisaged that once peace was consolidated in the country, free and transparent elections would be held.

9. On 31 January, President Kabila visited Paris, where he met with President Chirac. After attending an event organized by the Congress of the United States of America on 1 February, President Kabila then visited me in New York. I took the opportunity to extend to him my condolences on his loss and to discuss the action to be taken to advance the peace process. President Kabila also met with the Security Council. The record of that meeting appears in document S/PV.4271.

10. On 7 February, President Kagame, who had also attended the Congressional event in Washington, D.C., met with me at United Nations Headquarters. He then met with the Security Council (see S/PV.4273).

11. Following discussions among regional leaders, the Joint Military Commission (JMC) is expected to meet on 10 and 11 February in Lusaka, followed by a meeting of the Political Committee on 11 and 12 February. A summit meeting is scheduled to take place in Lusaka on 13 February. Preparations are also going forward for the meeting of the Security Council with the Political Committee in New York on 21 and 22 February.

Congolese rebel movements

12. Following news of the assassination of President Laurent-Désiré Kabila, the rebel movements denied any involvement in the act. They also condemned the use of violence and reaffirmed their commitment to the Lusaka Ceasefire Agreement. All rebel leaders called for immediate progress in convening the inter-Congolese dialogue stipulated in the Lusaka Agreement and denounced the installation of Major General Joseph Kabila as President. Rebel leaders were unanimous in demanding the establishment of a transitional government. In response to President Joseph Kabila's national address on 26 January, rebel leaders reiterated their call for the inter-Congolese dialogue to be convened without delay or conditionality.

13. On 17 January, three rebel movements merged to form the Front de libération du Congo (FLC). The new movement comprises the Mouvement pour la libération du Congo (MLC), the Rassemblement congolais pour la démocratie-Mouvement de libération (RCD-ML) and RCD-National (RCD-N). The merger envisages a single military force and strategy vis-à-vis the

government side. The current president of FLC is Mr. Jean-Pierre Bemba, the former leader of MLC. Although Mr. Wamba dia Wamba was said to have been appointed as vice-president, reports suggest that he has been excluded from the FLC leadership following his denouncement of the merger as an agreement of military convenience.

14. Further consolidation on the rebel side has been indicated by a senior member of RCD, Mr. Bizima Karaha, who has announced that RCD and FLC share a common vision on political issues which may lead to the formation of a common front under the same political and military leadership. He predicted that unification would take place within the near future. These developments represent the latest of many efforts on the part of the rebel groups to achieve unification.

Inter-Congolese dialogue

15. During the reporting period, Sir Ketumile Masire has remained committed to fulfilling his responsibilities as neutral facilitator of the inter-Congolese dialogue. He has continued to enjoy the explicit support of the Congolese rebel movements and main political parties and civil society.

16. On 16 December, at the request of the Government of the Democratic Republic of the Congo, President Bongo sponsored a meeting between President Laurent-Désiré Kabila and Congolese opposition groups. Although President Kabila travelled to Libreville, the meeting did not take place owing to the non-attendance of the opposition invitees.

17. While the Government of the Democratic Republic of the Congo has not formally withdrawn its rejection of Sir Ketumile Masire as the neutral facilitator, there have been increasing indications that it is prepared to accept the appointment of a francophone co-facilitator to work with Sir Ketumile. President Joseph Kabila appeared to endorse the arrangement and, in his inaugural speech, requested OAU to help revive the peace process, particularly with regard to the designation of a co-facilitator. However, the leader of RCD later described the President's reference to co-facilitation as a violation of the Lusaka Agreement, which does not provide for such a function.

18. Political parties in the Democratic Republic of the Congo, which have hitherto been silent owing to the continuing ban on their activities, are becoming vocal in calling for implementation of the Lusaka Agreement, and specifically for the convening of the inter-Congolese dialogue. They generally support the appointment of a francophone co-facilitator. On 29 January, President Joseph Kabila met with representatives of four principal political parties in Kinshasa.

III. Military developments

19. Though much of the country has remained quiet during the reporting period, particularly over the past three weeks, military action was observed in both Equateur province and Katanga in December and early January 2001. Scattered fighting, often involving armed groups, has been reported from the Kivus.

Situation in Katanga

20. In late November, following attacks by government forces (FAC) in Katanga, RCD and the Rwandan People's Army (RPA) launched a counter-attack which culminated in their capture of Pweto on 6 December. Thousands of combatants and refugees fled into Zambia to escape the fighting. Figures from the Zambian authorities indicate that over 5,000 combatants crossed the border. Subsequently, some 3,000 FAC and 200 Zimbabwean soldiers were disarmed and escorted back into the Democratic Republic of the Congo. Approximately 1,925 combatants, belonging to the Burundian Front pour la Défence de la Démocratie (FDD), evaded disarmament by using barges to cross Lake Mweru and enter the Democratic Republic of the Congo. At present, some 144 disarmed soldiers remain in northern Zambia; 115 are seeking refugee status; and 29 are under investigation for membership of the former Rwandan Armed Forces (ex-FAR), Interahamwe or FDD.

21. Following a meeting in Kinshasa on 22 December between President Laurent-Désiré Kabila, President Mugabe and President Nujoma, President Mugabe warned that the rebels would be forced out of Pweto if they did not leave voluntarily. Subsequently, there was a build-up of Government and allied forces with reports of over 2,000 Angolan, 600 Zimbabwean and 3,000 FAC troops deployed between Kasenga and

Pweto. On the rebel side, six RCD battalions are said to be holding Pweto with two RPA brigades in support.

22. During December and early January, there were numerous claims of ceasefire violations and allegations from both sides that the other was preparing for an offensive. On 28 December, the Permanent Representative of Rwanda to the United Nations, claiming his country had acted in self-defence, wrote to the President of the Security Council to complain of an ongoing campaign of misinformation directed against his country (S/2000/1244). The Permanent Representative reiterated his Government's offer of a 200-kilometre disengagement and its preparedness to withdraw from Pweto if MONUC deployed there. On the same day, the Chargé d'affaires a.i. of the Permanent Mission of the Democratic Republic of the Congo to the United Nations wrote to the President of the Council to inform him that a brigade of RPA, supported by members of the União Nacional para a Independência Total de Angola (UNITA), had launched attacks on Katanga from Zambian territory (S/2000/1245).

23. Since early January, the MONUC Force Commander, General Mountaga Diallo, has been discussing with the Governments and military authorities of the Democratic Republic of the Congo and Rwanda, and with RCD, the Rwandan offer to withdraw from Pweto if MONUC deployed a military observer team to the town. MONUC has in fact prepared a team to be deployed to Pweto. However, despite encouraging signals from the Governments of both the Democratic Republic of the Congo and Rwanda, discussions on the specific modalities of the agreement are still continuing with the military authorities of both sides. RCD has insisted that its concerns should be addressed separately from those of Rwanda.

Fighting in Equateur province

24. In mid-December, MLC began a military offensive across a broad front in northern Equateur, capturing Imese and Befale. Government and allied forces reinforced their positions around Mbandaka. In mid-January, MLC forces attacking Bolomba were repulsed after heavy fighting. Since 18 January, the military situation has become static, with no reports of significant fighting.

Eastern provinces

25. The security situation in parts of the eastern Democratic Republic of the Congo remains highly volatile. RCD has complained that armed groups continue to launch numerous attacks in the Kivus. Although the armed groups responsible for these attacks are not signatories to the Lusaka Ceasefire Agreement, there are persistent reports of their receiving arms and training from FAC. (The situation in the eastern provinces is explored in more detail in paras. 85-88 below.)

26. In the Ituri area, ethnic tension between the Lendu and Hema communities increased dramatically on 19 January when Lendu tribesmen attacked a Ugandan People's Defence Force (UPDF) and an RCD-ML position at Bunia airfield. The fighting resulted in serious casualties and was followed by attacks mounted by the Hema population on Lendu civilians (see paras. 56-57 below).

27. MONUC dispatched a military and humanitarian team to Kampala and Bunia on 24 January. In Kampala, the Ugandan Army Commander accepted that UPDF was responsible for the security of the civilian population in the Bunia area and undertook to make every effort to contain the violence. Since 22 January, MONUC military observers in Bunia have reported the situation in the town to be tense but with UPDF in effective control. MONUC is discussing with the humanitarian agencies follow-up action aimed at improving relations between the two communities.

28. Concern has also been expressed over repeated attacks on the Banyamulenge population in South Kivu. This matter is dealt with in more detail in paragraph 59 below.

Kisangani

29. Pursuant to Security Council resolution 1304 (2000), Rwanda and Uganda have continued to keep their forces at a distance of some 100 kilometres from Kisangani. However, RCD military elements have remained in the city, with its leaders maintaining that security concerns do not allow them to withdraw their forces before the arrival of United Nations troops. The area around Kisangani has been de facto divided into quadrant . RCD occupies the south and west; MLC and UPDF the north-west and the north; and UPDF solely

the east. This dispersal is generally respected, except for isolated skirmishes usually between RCD and MLC/RCD-N in the diamond mining area to the north of the city.

Implementation of disengagement plans

30. The military chiefs of staff of the parties, with the exception of MLC, ratified the detailed sub-plans for disengagement and redeployment in Harare on 6 December. The MLC delegate had received instructions not to sign the document, as it did not contain a reference to the inter-Congolese dialogue. Subsequently, a spokesman for RCD indicated that its forces, too, would not comply with the disengagement plans unless President Laurent-Désiré Kabila opened talks on the formation of a transitional government and disarmed pro-government militias in the eastern Democratic Republic of the Congo.

31. Pursuant to the Harare disengagement plan, MONUC received notification from Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda and Zimbabwe that executive orders had been issued to their military forces to begin the disengagement process. No notification has yet been received from the rebel movements.

32. The Harare disengagement plan stipulated that the military forces of the parties would undertake a 15-kilometre disengagement over a two-week period starting 21 January. None of the parties has yet complied. There are indications that the implementation of the disengagement plans has become dependent on progress in convening the inter-Congolese dialogue envisaged by the Lusaka Agreement, as the Congolese rebel movements insist that the two processes — military and political — are inextricably linked. Nonetheless, MONUC is proceeding on the assumption that the parties will indeed carry out their disengagement plan.

Withdrawal of foreign forces

33. On 9 January, President Laurent-Désiré Kabila brokered talks in Libreville between President Buyoya and Jean-Bosco Ndayikengurukiye, the leader of FDD, the main Burundian rebel group. Subsequently, Leonard She Okintundu, Foreign Minister of the Democratic Republic of the Congo, informed the Kinshasa diplomatic corps that both parties had agreed to withdraw their forces from the Democratic Republic of the Congo. On 23 January, FDD made it known that the death of President Laurent-Désiré Kabila had not affected its willingness to continue talks with the Burundian Government. In a statement, the Burundian Government confirmed that its meetings with FDD had been successful and would be pursued.

34. Resolutions 1304 (2000) and 1332 (2000), in which the Security Council demanded the withdrawal of Rwandan and Ugandan forces from the territory of the Democratic Republic of the Congo without further delay, in conformity with the timetable of the Lusaka Agreement and the Kampala disengagement plan, have yet to be implemented in full. Reports indicate the presence of approximately 20,000 RPA and 10,000 UPDF troops in the Democratic Republic of the Congo and there has been no clear indication of any significant reduction in force levels. Senior Rwandan officials have continued to emphasize their country's security concerns, and to demand that measures be taken to disarm and demobilize the armed groups in the eastern provinces of the Democratic Republic of the Congo before the withdrawal of RPA proceeds. Ugandan officials, including President Museveni, have recently indicated that, following the defeat of Allied Democratic Forces (ADF) rebels, the underlying objective of their intervention has been achieved.

35. On the government side, it is estimated that there are approximately 12,000 Zimbabwean, 7,000 Angolan and 2,000 Namibian troops deployed in the Democratic Republic of the Congo. Since my last report, the force levels of the Southern African Development Community (SADC) allies have increased in response to the military reversals in Katanga and the security concerns in Kinshasa and Lubumbashi following the assassination of President Laurent-Désiré Kabila. There are persistent allegations from Rwanda that FAC contains large numbers of ex-FAR and Interahamwe fighters.

IV. Cooperation with the Joint Military Commission (JMC)

36. The operations of JMC have continued to be hindered by a lack of resources. OAU has advised JMC

that it is unlikely that there will be sufficient funds to cover envisaged requirements this year.

37. On 26 January, the OAU secretariat announced that Brigadier Njuki Mwaniki of Kenya had been appointed as the new Chairman of JMC. Brigadier Mwaniki assumed his duties in Lusaka at the end of January and has undertaken a briefing mission to Kinshasa and other locations.

V. Status of MONUC deployment

Current deployment

38. As of 8 February, MONUC had a total of 200 military personnel. Within the Democratic Republic of the Congo, in addition to Kinshasa, military liaison officers are deployed to the headquarters of the rebel movements (Bunia, Gbadolite and Goma) and the four regional joint military commissions (Boende, Kabalo, Kabinda and Lisala). Military observer teams are also stationed in six other locations (Gemena, Isiro, Kananga, Kindu, Kisangani and Mbandaka). In addition, a team has been deployed at Nchelenge in northern Zambia. Twenty-three liaison officers are stationed in the capitals of surrounding countries, including 14 officers who provide planning support to JMC in Lusaka. Finally, MONUC maintains one military liaison officer with OAU in Addis Ababa (see map and annex).

39. MONUC has established three sector headquarters for the implementation of the Kampala/Harare disengagement plans. The first, with a small staff of military and civilian officers, was opened in Kisangani in June. Since my last report, sector headquarters have been opened in Mbandaka and Kananga. MONUC logistic bases necessary to support the deployment of observers and troops are operational in Kinshasa, Goma and Bangui in the Central African Republic.

Security of MONUC personnel

40. The parties have continued to provide generally satisfactory security for MONUC military and civilian personnel. In Bunia, UPDF are responsible for protecting MONUC premises. In Kinshasa, the Government has, since 15 December, assigned 35 civilian policemen for the protection of the premises and assets of MONUC at its headquarters, logistic base and Kinshasa airport. Despite the uncertainty created by the assassination of President Laurent-Désiré Kabila, the capital has remained calm.

41. In South Kivu, the frequency of attacks by armed groups has forced international agencies and non-governmental organizations to suspend many of their operations. The threat posed by the armed groups precludes the deployment of MONUC military observers in the eastern provinces at this time.

Cooperation of the parties

42. Since 30 September, weekly meetings between MONUC and the Commissariat général chargé des affaires de la MONUC have been held to assess the compliance by the Government of the Democratic Republic of the Congo with the Status of Forces Agreement (SOFA) provisions. This improved liaison has continued to yield positive results; and past difficulties over customs clearances, exemption of direct and indirect taxes, fuel surcharges, authorization for a frequency and telecommunications network and facilities at Kinshasa airport have been resolved harmoniously. Joint MONUC/Government reconnaissance missions to Mbandaka and Kananga have also been completed.

43. The Government of the Democratic Republic of the Congo has yet to replace the system of flight notification on a case-by-case basis with a system for advance notification en bloc, an arrangement that is essential for the management of the large fleet of aircraft required for MONUC phase II deployment. The Commissariat has assured MONUC that such a system will be introduced once phase II deployment commences. Nevertheless, there has been a more positive attitude and lifting of restrictions, in particular the obligation to land at a neutral airport during a return trip from rebel-controlled areas and the requirement to route all MONUC flights through Kinshasa.

44. In field locations, MONUC military observers have encountered occasional limitations on their freedom of movement imposed by local commanders. However, the greatest impediment to the movement of military observers is the nature of the terrain, since most routes become impassable more than 25 kilometres from any MONUC base.

VI. Humanitarian aspects

45. Owing to the continuing fighting in the Equateur region, North and South Kivu, Katanga and Province Orientale, the latest estimate concerning the number of internally displaced persons (IDPs) in the Democratic Republic of the Congo is 2 million, and this figure is expected to rise further. Added to the refugee population, the total affected population in the Democratic Republic of the Congo is over 2,335,000. Fewer than half of these displaced individuals receive humanitarian assistance. There are thought to be some 640,000 IDPs in North Kivu, over 350,000 in South Kivu, 305,000 in Katanga and 300,000 in Equateur. In the Kivus alone, this number has increased more than fourfold over the last 12 months. As a result of violent confrontations between Lema and Hendu tribes in the Ituri district in Province Orientale, some 12,500 people are said to have fled Bunia for the outlying countryside and the Office of the United Nations High Commissioner for Refugees (UNHCR) assesses that another 6,000-9,000 have sought refuge in Uganda over the past few weeks. The refugee population in the Democratic Republic of the Congo is estimated at 332,000. Non-assisted Angolan and Rwandan refugees number 67,000 and 48,000, respectively. The assisted refugees include people from the Sudan, Uganda and Burundi.

46. Following fighting during the year 2000, Congolese refugees have arrived in the Betou, Impfondo and Loukolela areas in the Congo. It is estimated that 100,000 refugees from the Democratic Republic of the Congo are now in the Congo, of which 12 per cent are considered vulnerable. UNHCR plans to provide emergency assistance to these refugees to facilitate their integration into their new communities. The World Food Programme (WFP) is expected to provide essential needs (rice, beans, salt) for a period of six months. Though the security situation has been relatively calm, any deterioration could hamper aid efforts.

47. As a result of recent fighting in the Pweto region (Katanga), a considerable number of people have sought refuge in neighbouring Zambia; about 9,000 of them are hosted in a refugee camp near Kala in Zambia's northern province, and a further 15,000 have settled in villages in the same area.

48. It is estimated that there are some 16 million people with critical food needs throughout the Democratic Republic of the Congo. The main reasons behind the food security crisis include prolonged displacement, the intensification of the war resulting in the rupturing of traditional sources of supply, and a staggering increase in prices coupled with a decline in purchasing power. As previously reported, the Food and Agriculture Organization of the United Nations (FAO) estimates that 70 per cent of the 6 million-7 million people living in the capital city cannot afford $1 a day for food. In addition, children are hardest hit by chronic malnutrition, especially in the major urban centres of Kinshasa, Kabinda, Kananga, Mbuji-Mayi, Mbandaka and Kisangani.

49. The health situation in the Democratic Republic of the Congo has continued to deteriorate with the continuing neglect of health facilities, the lack of essential medication, and the difficulty of dispatching medical supplies to the regions of the Democratic Republic of the Congo. The health system is also seriously afflicted by the lack of equipment, insufficient training of medical personnel, and a significant lack of funding. In addition, it is estimated that only 37 per cent of the population has access to essential medicine and 47 per cent to potable water. Mother and child mortality rates remain very high, and overall vaccination coverage is low (tuberculosis: 30 per cent; polio: 22 per cent; measles: 24 per cent). Inadequate sanitary and hygiene conditions, as well as malnutrition, have created a fertile environment for the spread of diseases. In Pweto, some 4,700 cases of cholera with 360 deaths were recorded during the year 2000. New diseases are also emerging, among which haemorrhagic fever and monkey pox pose the greatest threat. Finally, human immunodeficiency virus (HIV) prevalence among the population aged 15-49 years is of the order of 5 per cent, and a total of 1.1 million people are infected. Generally speaking, standard health indicators today have not improved since the survey carried out by the Health Ministry and the World Health Organization (WHO) in 1998.

50. Last November, a consolidated appeal was launched for a total of $37 million. To date, only 30.5 per cent of the amount has been received.

51. After the United Nations Inter-agency Mission that came to the Democratic Republic of the Congo in November 2000 submitted its report in New York and following further discussions in the Inter-Agency Standing Committee (IASC), it was decided that the United Nations Development Programme (UNDP)

Resident Representative/Resident Coordinator in the Democratic Republic of the Congo would also be the Humanitarian Coordinator for the country in order to ensure the most effective response to the situation. At the subnational level, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat (OCHA) will continue to maintain a Coordinator for the eastern Democratic Republic of the Congo based in Goma. In a related development, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat will be opening an office in Lubumbashi.

52. In South Kivu, the National Immunization Days 2001 are being prepared, following the United Nations Children's Fund (UNICEF)/WHO workshop on national planning which was held in Goma in mid-December. The workshop planned by the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat to take place in Kisangani from 9 to 12 December was postponed owing to lack of governmental participation.

53. The Governments of the Republic of Congo and the Central African Republic have continued to express concern that the fighting in Equateur, especially in the immediate border areas, is affecting their stability. In particular, refugees continue to enter both countries and maritime traffic on the Ubangui River has been interrupted causing heavy economic losses. There have also been persistent rumours of MLC elements infiltrating down the Ubangui on the west bank towards the confluence of the Congo and Ubangui rivers.

VII. Human rights

54. The human rights situation in the Democratic Republic of the Congo remains a cause of serious concern. Numerous human rights violations have been continuing with impunity, compounded by renewed outbreaks of political and ethnic tensions. Some of these take the form of clashes between various armed groups and ethnic groups, including the Hema and Lendu in the Ituri district, and the Banyamulenge in South Kivu. The creation by the Government of armed self-defence groups (Forces d'Auto-défense Populaire (FAP)) has also caused unease.

55. Widespread killings and the destruction of property, extrajudiciary executions and forced disappearances, arbitrary arrests and illegal detention of local staff members of international organizations, civil society, business leaders and foreigners living in the Democratic Republic of the Congo, as well as serious restrictions on the freedom of the press and of movement, have characterized the situation recently.

56. From 29 to 31 January, a delegation of the Field Office of the United Nations High Commissioner for Human Rights undertook a mission to Bunia. The delegation was able to collect first-hand information and interview eyewitnesses. On the basis of these preliminary findings, the Office of the United Nations High Commissioner for Human Rights team confirmed that a massacre of ethnic Lendu had been carried out by ethnic Hema militias in Bunia on 19 January. At least 200 people were killed and some 40 wounded. The majority of the victims were civilians, including women and children. Some of them were killed with machetes and some decapitated. Some of the bodies were thrown into open latrines. UPDF troops stood by during the killings and failed to protect the civilians.

57. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón, issued on 26 January a press release condemning the massacre in Bunia. He called on the Government of Uganda and FLC to order their troops immediately to protect non-combatants and civilians and to launch investigations of the above-mentioned incident with a view to identifying those responsible and bringing them to justice.

58. In addition, serious human rights violations were also reported in the Kivus following the repeated attacks and retaliation by various armed groups. In Bukavu, the local authorities have arrested representatives of civil society and other civilians. Reports have been received that some of the arrested persons have been tortured.

59. Serious inter-ethnic tensions have also been reported in South Kivu Province. According to some reports, massacres of the Banyamulenge population have taken place. Human rights staff from MONUC intend to visit the area to evaluate the situation on the ground, sensitize the local authorities on the alarming reports received and propose further action to be taken to resolve the crisis.

60. In the Government-controlled areas, the representatives of civil society are also subjected to harassment, arbitrary arrest and illegal detention. Recently in Kinshasa, four leaders of the civil society,

and members of a political party and of business were arrested and detained without cause. Journalists working for private media can no longer carry out their functions freely. A recent decision of the Minister of Communications has prohibited the publication of more than 100 local newspapers for non-compliance with government legislation.

61. Cases of arbitrary arrests, summary and extrajudiciary executions are still frequently reported. A recent example is the case of Commander Masasu, a senior army officer arrested for allegedly planning a coup against the late President. The Government has continued to deny reports that Commander Masasu was executed in December. Several other military personnel and civilians from the Kivus and others close to Masasu have also been arrested and detained. These included a local staff member of the Office of the United Nations High Commissioner for Human Rights in the Congo who was arrested in Kinshasa on 3 January and held by DEMIAP (Détection militaire des activités anti-patrie) until his release on 10 January, with serious restrictions on his freedom of movement.

62. The Military Court continues to apply the death penalty. Many defendants are being arbitrarily condemned to death. Recently, on 11 December, the bodyguard of the Chief of Staff of the Police, was condemned to death by this special court. He was accused of having broken into the residence of the Governor of the Central Bank of the Congo even though he insisted that he was innocent. He was executed the following day with seven others from the Central Prison of Kinshasa without having been given a chance to appeal according to conventional international human rights norms. However, in January another suspect was arrested for the same offence.

63. Continuing human rights violations, coupled with the absence of democratic reforms, have brought the country to a political standstill. Even as many members of the opposition are being freed from detention centres, many leaders of the political parties live abroad to avoid harassment and restrictions.

64. Against this background, there have been two positive developments since the visit in October 2000 of the United Nations High Commissioner for Human Rights, Mrs. Robinson, and the commitment made then by the Government of the Democratic Republic of the Congo to improving the human rights situation. Firstly, the Government released 900 detainees, including over 200 political prisoners and journalists. Secondly, the new President has announced that respect for human rights, the security of the individual and of property, the reform of military justice and the constitutionality of governmental action will be the priorities of his Administration. Effective immediately, the jurisdiction of the military courts will be restricted to matters falling under the code of military justice.

VIII. Child protection

65. The situation relating to the recruitment of children into armed forces and various warring groups has not improved significantly during the reporting period. Owing to the growing protest of non-governmental organizations, UNICEF and MONUC, RCD has halted its military recruitment campaign in urban areas. However, RCD has contested the allegation that it was recruiting child soldiers and indicated that the young people had joined the movement of their own accord. They were not deployed to the front lines. However, information received from other sources indicates that recruitment is continuing in rural areas of Kivu, including Kahele, Idjwi Island, Musongati and Rugano. It has also been reported that all newly recruited children are transported to camps in Masisi for military training. The Mushaki camp is believed to have received over 3,000 newly recruited young soldiers, more than 60 per cent of whom are under age 18. MONUC has sought and received from RCD permission to visit the camps. It is hoped that better RCD cooperation with MONUC and UNICEF can lead to the implementation of RCD's 15 May decision to start demobilizing child soldiers.

66. As indicated in my 6 December 2000 report, a considerable number of Congolese children were taken from the Bunia, Beni and Butembo region, apparently for military training in Uganda (para. 75). Concern has been expressed at the possibility that these children will be deployed back to the Democratic Republic of the Congo as soldiers. As the present report was being finalized, information was received that 600 children would be transferred to the custody of humanitarian organizations next week.

67. The late President Kabila had granted access to the military camps for the initiation of the disarmament, demobilization and reintegration process. This is a first step towards the implementation of the 9 June decree on demobilization. UNICEF has

established a working agreement with the local branch of an international NGO, the Bureau International Catholique de l'Enfance (BICE), as the major partner for the process, which will be undertaken in collaboration with the Government.

IX. Financial aspects

68. The General Assembly, by its resolution 54/260 A of 7 April 2000, granted me commitment authority, with assessment, in the amount of $200 million to cover the Mission's immediate requirements and to enable it to initiate logistic preparations for the phased deployment of the formed military personnel. By its subsequent resolution 54/260 B of 15 June 2000, the Assembly, taking into account the amount of $58.7 million committed for MONUC during the period ending 30 June 2000, authorized me to use during the period beginning 1 July 2000 the amount of $141.3 million representing the balance of the commitment authority provided for MONUC in its resolution 54/260 A.

69. Should the Security Council adopt the draft revised concept of operations for MONUC contained in paragraphs 71 to 84 below, the related immediate costs will be met from within resources already approved by the General Assembly for the current financial period. With regard to the financial period 2001-2002 beginning on 1 July 2001, I shall seek the necessary resources for MONUC from the Assembly during its resumed fifty-fifth session.

70. As at 31 January 2001, unpaid assessed contributions to the MONUC special account amounted to $79.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,652.4 million.

X. Next steps

Updated concept of operations

71. On the basis of the experience gained since September 1999, when MONUC was first deployed to the Democratic Republic of the Congo, the Secretariat has developed a revised draft concept of operations for a deployment of military personnel to monitor and verify actions taken by the parties in compliance with the disengagement and redeployment plan they signed at Harare on 6 December. The updated draft concept was elaborated during a visit of Department of Peacekeeping Operations planners to MONUC between 8 and 19 January.

72. Given the fragile ceasefire, the size of the country and the difficulties of access and mobility beyond major towns, the concept of operations is based upon a gradual build-up of capability that encourages the parties to cease hostilities, positions MONUC to respond in a timely and effective manner once the parties begin the disengagement and redeployment process, and minimizes risks to United Nations personnel.

73. Simultaneously, the measures proposed to be taken by MONUC can set in place the conditions for subsequent expansion of the mission for possible later tasks in the eastern provinces.

74. The revised concept of operations has four phases. During the preparatory phase, which is now under way, MONUC will make maximum use of its existing resources to build on its presence in the Democratic Republic of the Congo by deploying further military observer teams and redeploying others to establish sector headquarters at Kisangani, Mbandaka, Kananga and Kalemie.

75. These sector headquarters are an integral part of the command, control and communications infrastructure that will enable MONUC to coordinate the additional military observer teams required for verification and monitoring of the disengagement and redeployment. The four regional joint military commissions (currently located at Lisala, Boende, Kabinda and Kabalo) will be relocated with the MONUC sector headquarters to facilitate the close liaison, coordination and confidence-building required to effect the verification and monitoring process. The regional joint military commissions have requested that MONUC provide them with limited logistic support to enable them to fulfil their functions.

76. The draft concept proposed in the present report envisages the deployment of up to 550 military observers. It will also be necessary to deploy up to 1,900 armed personnel to guard equipment, facilities and supplies located at the sector headquarters and support bases. Two riverine units totalling some 400 troops are also envisaged, as well as the necessary rotary and fixed-wing air assets. At least initially, all deployment and sustainment are expected to take place

through air transportation. The use of specialized support services, whether provided by military units or through commercial contracts, is also envisaged. The total military personnel required will therefore amount to approximately 3,000 officers and other ranks.

77. It is important to stress that the function of the 1,900 armed personnel will be exclusively to guard United Nations facilities, equipment and supplies against tampering or pilfering. They will not be able to extract other United Nations personnel at risk, or accompany humanitarian convoys, nor will they be able to extend protection to the local population. United Nations personnel will be withdrawn from any situation where undue risk appears to be developing. The guard units may be able to assist in any such evacuation.

78. The Harare disengagement plan allows two weeks for the completion of the verification phase, which begins once the parties have disengaged and moved to designated intermediate and new defensive positions. Thereafter MONUC is to conduct verification and monitoring of the process sequentially across the four areas identified within the plan, in blocks of 14 days, for which an additional 32 four-person military observer teams will be required. These teams will initially be based at the sector headquarter sites. They will also be deployed to conduct verification of the redeployment, predominantly by air, employing a mix of rotary and fixed-wing aircraft.

79. The military observer teams currently deployed at the 13 team sites within the Democratic Republic of the Congo contribute significantly to stability in their immediate vicinity and will remain in place to continue their liaison and reporting functions. Where access permits, they will also conduct verification and monitoring tasks.

80. Significant resources will be required to support completion of the verification phase and enable MONUC to maintain effective monitoring thereafter. Appropriate medical facilities, air assets (including full air operations and ground support), communications, general support services and administrative staff will be deployed to each of the sector headquarters.

81. In order to maximize the confidence-building aspects of the MONUC military deployment, it would also be my intention to deploy civilian staff, including political, human rights, humanitarian, public information and child protection officers, to the sector headquarters as the operation proceeded. These civilian officers would need to be provided with appropriate support and equipment, including vehicles and communications facilities.

82. Once the initial redeployment verification is complete, MONUC will continue to monitor the 27 new defensive positions to be occupied by the FAC/SADC allies and MLC/UPDF and the 15 intermediate positions of RCD/RPA. A second redeployment of RCD/RPA will follow, under MONUC verification, resulting in the consolidation of these forces at 12 new defensive positions.

83. Upon completion of the disengagement and redeployment operation, MONUC will be positioned and capable of monitoring continuously the parties' forces occupying a total of 39 new defensive positions. In addition, MONUC will need the capability to deploy military observers to investigate specific incidents, report on alleged violations and monitor the activities of any sizeable forces not declared as part of the disengagement plan but within 50 kilometres of the disengagement zone. It is anticipated that a further 38 military observer teams will be required to sustain this prolonged monitoring phase. In the event that RPA withdraws some of its units to any of its 11 designated new defensive positions, further observer teams may be required to provide constant monitoring of up to 53 separate positions. If required, four small coordination centres, subordinated to the four sector headquarters, will be established to ease control of the increased military observer activity.

84. It is intended to deploy river boat units, probably at Kinshasa and Mbandaka, to build confidence by showing a United Nations presence, enhancing the flexibility of MONUC re-supply activities and assisting with the movement of military observers where access is otherwise restricted. An additional benefit could be the stimulation of trade along the river. MONUC also intends to put in place a public information capability that will enable it to explain and clarify MONUC's intentions and activities and to respond in a more timely and effective manner to statements by the parties.

Deployment of infantry units

85. In paragraph 8 of its resolution 1332 (2000), the Security Council expressed its readiness to support the

Secretary-General, as soon as he considered that conditions allowed it, in the deployment of infantry units in support of the military observers in Kisangani and Mbandaka in due course and, subject to the proposals submitted by him under paragraph 7 of that resolution, to other areas he might deem necessary, including possibly to Goma or Bukavu.

86. MONUC will continue to assess the conditions for infantry deployment in the Democratic Republic of the Congo, within the context of paragraphs 7 and 8 of Security Council resolution 1332 (2000). The situation in this regard is expected to become clearer following the successful completion of the present disengagement and redeployment plan, and a separate report will be submitted at that time.

Situation in eastern provinces and border areas

87. The situation in the eastern Democratic Republic of the Congo, in particular the Kivus, remains volatile. The present conflict in the Democratic Republic of the Congo, and its predecessor in 1996, began in the Kivus. The territories are now home to the RCD rebels, RPA troops and several militia groups. They are highly militarized zones and have been the site of widespread suffering, humanitarian deprivation and human rights violations. The economy and society of the Kivus have been devastated and long-standing ethnic tensions have been inflamed by repeated heavy flows of refugees and displaced persons.

88. The Lusaka Ceasefire Agreement acknowledged the concerns of Rwanda, Uganda and Burundi over the presence of the armed groups which threaten the security of their borders, and recognized that the withdrawal of Rwandan and Ugandan troops would be linked directly to progress made in the disarmament and demobilization of the militias. The Agreement called for a mechanism for the disarming of militias and armed groups, including the genocidal forces.

89. The issue was raised in the summit meeting convened by President Qaddafi in November 2000 (see S/2000/1156, para. 14). Subsequently, following the Maputo summit of 16 October, two meetings of Defence Ministers took place in Pretoria to consider plans put forward by the Democratic Republic of the Congo and Rwanda. However, both plans merely assumed that a United Nations force on the borders of Rwanda and Uganda would have the responsibility for disarmament of the armed groups.

90. MONUC has assessed that a peacekeeping force on its own is unlikely to achieve the desired result of restoring peace, security and stability to the Kivus. Additional efforts are required to repair relations between ethnic groups in the Kivus, ensure respect for human rights, address the humanitarian disaster engulfing the population, and resolve land and citizenship issues.

Establishment of a permanent follow-up mechanism

91. In my last report, I detailed the intense diplomatic activity and personal initiatives of Heads of State in the region and commended their dedication and perseverance in efforts to put the peace process back on track. I observed, however, that broad agreement on the key questions had so far not been achieved, and expressed the view that the best way to achieve such agreement would be to build on the valuable diplomatic initiatives taken and to provide a framework and a stimulus for their follow-up. As noted in paragraph 2 above, the Security Council requested me to report further on this matter.

92. My consideration of the need for the establishment of a mechanism to draw together the various diplomatic initiatives and pursue workable arrangements came at a time when little progress was being made in the peace process. While the underlying problems at the heart of the conflict have not yet been resolved, the positive signals given by the new President of the Democratic Republic of the Congo regarding the implementation of the Lusaka Agreement and his openness towards the international community give reason to hope that the goodwill that he has demonstrated can be translated into progress in convening the inter-Congolese dialogue, implementing the Harare disengagement plan and addressing the complex issue of the armed groups. In addition, an increased level of bilateral contacts have been taking place that could do much to build confidence between the parties and lead to tangible results. The direct talks between President Buyoya and the leader of FDD, and between President Kabila and President Kagame in Washington, D.C., on 1 February, are an indication of a more positive approach by the parties concerned and

the Government of the Democratic Republic of the Congo in particular.

93. I believe that sufficient time should be allowed for the new positive spirit and encouraging contacts to bear fruit. Accordingly, I believe it would be prudent to delay submitting proposals for the establishment of a new mechanism within the peace process and to keep the situation under review. I encourage the Heads of State in the region to pursue their initiatives to reactivate the peace process.

Strengthening the MONUC human rights component

94. The main activities of MONUC's human rights component so far have been monitoring and reporting government activities. With a view to expanding its activities, MONUC, together with the Office of the United Nations High Commissioner for Human Rights, has been designing programmes aimed at building the capacity of the justice and prison systems of the Democratic Republic of the Congo, as well as technical assistance to civil society. Once implemented, these would help the Government of the Democratic Republic of the Congo to meet its human rights obligations under the Constitution of the Democratic Republic of the Congo and the international human rights instruments it has ratified.

95. Additional programmes include raising human rights awareness and stimulating debate; the exercise of individual rights; strengthening civil society; and the integration of human rights principles into the activities of the international community in the Democratic Republic of the Congo. MONUC also intends to deploy human rights officers to the military sector headquarters identified in paragraph 74 above, as well as in Bukavu, Kindu, Gbadolite, Kananga and Boende.

XI. Observations and recommendations

96. The tumultuous events in the Democratic Republic of the Congo, tragic as they were, have transformed the situation in a way that gives grounds for cautious hope. The successive visits of President Joseph Kabila and President Kagame, first to Washington, D.C., and then to United Nations Headquarters to meet with me and with the Security Council, can be seen as marking the beginning of a new stage in the consideration by the United Nations of the conflict in the Democratic Republic of the Congo.

97. I am heartened by the calm that has descended on the confrontation lines that divide the hostile forces in the Democratic Republic of the Congo. Almost since it was signed, in July and August 1999, the Lusaka Ceasefire Agreement has been subjected to regular, and sometimes large-scale, violations by the parties that signed it. That fact that no significant violations of the ceasefire have been reported since mid-January is in itself a cause of satisfaction.

98. Equally hopeful are the signs, which await clarification, that the Government of the Democratic Republic of the Congo may be willing to accept the role of Sir Ketumile Masire, the neutral facilitator appointed pursuant to the Lusaka Agreement to help bring together all Congolese to discuss the governance of their country. When Sir Ketumile can resume his essential functions in this regard, and whether he will do so in collaboration with a co-facilitator, or some other form of high-level assistance, are questions that remain to be resolved. I look forward to further developments in this matter, and would be grateful for any advice and assistance that OAU may be able to offer. The general liberalization of the political climate in the Democratic Republic of the Congo would do much to set a positive tone for this wide-ranging dialogue.

99. Amid these grounds for cautious optimism, the United Nations should be ready to advance, at least with small steps. The revised concept of operations, which I propose to the Security Council in paragraphs 71 to 84 above, is designed to equip MONUC to assist the parties in carrying out the disengagement of their forces along a confrontation line that currently divides the Democratic Republic of the Congo in half. A successful disengagement, under the monitoring and verification of United Nations military observers, would be an important advance towards the goals that have been endorsed both by the Lusaka Agreement and by the Council. I refer to the early withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo.

100. I therefore recommend to the Security Council the adoption of the draft concept I have proposed, and call for the support of Council members and troop-contributing countries as we take the steps necessary to

carry it out. I also recommend that MONUC be strengthened with the addition of the necessary additional civilian staff, including a reinforced human rights component, as outlined above.

101. The commitment to peace that President Joseph Kabila has already demonstrated is welcome for many reasons. Respect for the ceasefire could permit humanitarian agencies to gain access to all populations in need. Greater progress could be achieved in promoting human rights and the rights of children, including child soldiers, once the fighting has stopped. It would also be possible to address outbreaks of communal violence not directly related to the main conflict, such as those in Ituri and South Kivu.

102. I deplore the outbreaks of intercommunal violence in Bunia and in South Kivu. I call on the local authorities in each case to find peaceful ways of resolving the issues, to permit secure humanitarian access as soon as possible, and to refrain from taking any action that might inflame those issues. I also call on them to cooperate with MONUC human rights officers and the Special Rapporteur in any investigation that might be launched into these outbreaks of violence.

103. The involvement of regional Heads of State in the search for solutions to the conflict in the Democratic Republic of the Congo has been a considerable asset to the international community. I commend the initiatives launched by the Heads of State most concerned aimed at building on agreements reached at Lusaka, Maputo and elsewhere. I had the opportunity to discuss some of these initiatives at the Afrique-France conference at Yaoundé in mid-January and at the Davos economic summit at the end of that month.

104. Finally, I wish to express my appreciation to my Special Representative, Kamel Morjane, and to the MONUC Force Commander and to all the civilian and military personnel of MONUC for their commitment, and encourage them to continue their efforts as they prepare for the next stage of their activities in the Democratic Republic of the Congo.

Annex

United Nations Mission in the Democratic Republic of the Congo as at 8 February 2001

	Military observers	*Staff officers*	*Total*
Algeria	6	-	6
Bangladesh	4	8	12
Belgium	-	1	1
Benin	5	3	8
Bolivia	1	-	1
Burkina Faso	2	-	2
Canada	-	2	2
Czech Republic	3	-	3
Denmark	1	1	2
Egypt	9	-	9
France	1	2	3
Ghana	4	-	4
India	5	2	7
Jordan	2	-	2
Kenya	-	4	4
Libyan Arab Jamahiriya	3	-	3
Malaysia	2	7	9
Mali	1	-	1
Morocco	-	4	4
Nepal	7	-	7
Niger	2	1	3
Nigeria	6	-	6
Pakistan	13	9	22
Peru	3	-	3
Poland	1	-	1
Romania	5	1	6
Russian Federation	2	-	2
Senegal	8	17	25
South Africa	1	-	1
Switzerland	-	1	1
Tunisia	6	-	6
Ukraine	4	-	4
United Kingdom of Great Britain and Northern Ireland	-	4	4
United Republic of Tanzania	4	1	5
Uruguay	8	8	16
Zambia	5	-	5
Total	**124**	**76**	**200**

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